

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SPHERE 3D CORP.,

Plaintiff,

23-cv-2954 (PKC) (VF)

-against-

ORDER

GRYPHON DIGITAL MINING, INC.,

Defendant.

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VALERIE FIGUEREDO, United States Magistrate Judge.

As discussed at the conference on June 27, 2024, Gryphon Digital Mining, Inc. seeks internal documents and communications from Sphere 3D Corp. related to Sphere's diligence in response to the spoofing attack; cybersecurity or internal systems and controls; and Sphere's attempts to engage a third party to investigate Sphere's systems following the attack. See ECF No. 82 at 1 and ECF No. 81 at 2 (discussing RFPs Nos. 17-19, 24). Gryphon, however, has not shown that such discovery is relevant to any claims or defenses in this case. As Sphere's counsel represented at the conference, Sphere is not seeking damages stemming from the spoofing incident and both parties indicated that neither is relying on the spoofing incident to establish liability. As such, to the extent Gryphon seeks an order compelling Sphere to produce such discovery, the request is denied.

A conference in this matter is hereby scheduled for **Thursday, August 1, 2024 at 2:30 p.m.** If the parties have not resolved the issue previously raised at ECF Nos. 85-86, they may raise the dispute at this upcoming conference. Additionally, if any new discovery disputes arise, the parties may address them at the August 1 conference, so long as they have met and conferred about the dispute and written the Court a letter explaining the dispute. A letter raising any new

discovery disputes to be addressed at the August 1 conference should be filed on the docket by no later than July 29, 2024. Counsel for the parties are directed to call Judge Figueredo's AT&T conference line at the scheduled time. **Please dial (888) 808-6929; access code [9781335].**

SO ORDERED.

DATED: New York, New York
June 28, 2024



VALERIE FIGUEREDO
United States Magistrate Judge